

**SENATE . . . . . No. 1802**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Harriette L. Chandler***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act providing for third party expert evaluation of scope of practice legislation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/4/2019</i>

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By Ms. Chandler, a petition (accompanied by bill, Senate, No. 1802) of Harriette L. Chandler and Denise Provost for legislation to provide for 3rd party expert evaluation of scope of practice legislation. State Administration and Regulatory Oversight.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1682 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act providing for third party expert evaluation of scope of practice legislation.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 3 of the General Laws is hereby amended by inserting after section  
2   38C the following section:-

3           Section 38D.

4           (a) For the purposes of this section, the term “scope of practice proposal” shall mean any  
5   general or special legislation that would change the authority of a health care provider to provide  
6   certain health services or otherwise alter the procedures, actions and processes that a healthcare  
7   practitioner is permitted to undertake in keeping with the terms of their professional license.

8           (b) Joint committees of the general court and the house and senate committees on ways  
9   and means may refer to the clerk of the house and senate any bills containing a scope of practice

10 proposal originally referred to the committee, who shall then require a review and evaluation  
11 from the health policy commission with a cost benefit analysis from the center for health  
12 information and analysis be provided to the referring committee.

13 (c) Upon receiving the request of a joint standing committee of the general court having  
14 jurisdiction or the house or senate committees on ways and means, the health policy commission  
15 shall conduct a review and evaluation of the scope of practice proposal in accordance with this  
16 section within 180 days of the request. (d) The health policy commission shall review and  
17 evaluate the scope of practice proposal and shall accept written testimony submitted by  
18 interested parties. The commission may take into consideration any additional data and research  
19 it deems relevant when conducting the review and evaluation. Such review and evaluation shall  
20 include, but not be limited to: (i) an assessment of any public health and safety benefits or risks  
21 that may be associated with the request; (ii) whether the request may enhance equitable access to  
22 health care services; (iii) an assessment of relevant scope of practice standards and legal  
23 restrictions, both in the commonwealth and in other states, including whether the request  
24 appropriately enhances the ability of a profession to practice to the accepted level of the  
25 profession's education and training under current standards; (iv) availability of applicable  
26 education and training programs; (v) availability of sufficiently trained providers to deliver the  
27 subject health care services; (vi) existence or necessity of appropriate safeguards in other statutes  
28 or the legislation; (vii) nationally or internationally recognized standards for the subject health  
29 care providers; and (viii) analysis conducted by the center for health information and analysis  
30 pursuant to subsection (e) of this section. The commission, when carrying out the duties  
31 prescribed in this section, shall seek input on the scope of practice proposal from the department  
32 of public health, the Betsy Lehman center for patient safety and medical error reduction and such

33 other entities as the commission determines necessary in order to provide its written findings as  
34 described in subsection (f) of this section.

35 (d) The center for health information and analysis shall conduct a cost benefit analysis.  
36 Said analysis shall include, but not be limited to: (i) whether the request enhances access to  
37 affordable health care, including how the proposal will impact costs, prices and cost trends in  
38 public and private health care, with particular attention to factors that contribute to cost growth  
39 within the commonwealth's health care system; and (ii) an analysis on the potential change to the  
40 reimbursement rate due to an expanded scope of practice and certification of a medical  
41 professional.

42 (e) At the conclusion of its review and evaluation of the scope of practice proposal, the  
43 health policy commission shall provide a written report of its findings to the committee which  
44 initiated the request. The health policy commission shall include with its written findings all  
45 materials that were presented to the commission and center for review and consideration during  
46 the review process. The health policy commission shall make a recommendation that the scope  
47 of practice proposal is positive, negative or neutral.